

ORIGINAL

AO106 (Rev. 12/03) Affidavit for Search Warrant

unsealed 3-6-08 do

UNITED STATES DISTRICT COURT

ORDERED SEALED BY COURT

SOUTHERN

DISTRICT OF

CALIFORNIA

08 MAR 5 AM 11:32

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

08 MJ 0679 DEPUTY

Case Number:

In the Matter of the Search of
(Name, address or brief description of person, property or premises to be searched)

2825 Red Rock Canyon Road
Chula Vista, CA

I, Special Agent Brett O'Connor being duly sworn depose and say:

I am a(n) Special Agent for the Drug Enforcement Administration and have reason to believe
Official Title

that ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

See Attachment A.

in the SOUTHERN District of CALIFORNIA

there is now concealed a certain person or property, namely (describe the person or property to be seized)

See Attachment B.

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

Evidence of a crime and property used in committing a crime; contraband, fruits of a crime, and things criminally possessed;
and property designed or intended for use or which is or has been used as a means of committing a criminal offense.

concerning a violation of Title 21 / 18 United States code, Section(s) 841(a)(1), 843(b) and 846 / 1956

The facts to support a finding of probable cause are as follows:

See the attached Affidavit of Special Agent Brett O'Connor

Continued on the attached sheet and made a part hereof:

☒ Yes

☐ No



Signature of Affiant

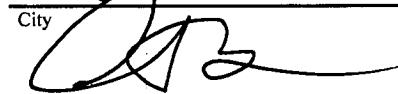
Sworn to before me and subscribed in my presence,

March 4, 2008
Date

at

San Diego, California
City State

Hon. Cathy Ann Bencivengo U.S. Magistrate Judge
Name of Judge Title of Judge


Signature of Judge

ATTACHMENT A**DESCRIPTION OF PROPERTY TO BE SEARCHED**

The target premises located at 2825 Red Rock Canyon Road, Chula Vista, California is a two-story single family residence on the north side of Red Rock Canyon Road. The residence has an off-white stucco exterior with gray faux shutters on the second story windows facing the street. The front door to 2825 Red Rock Canyon Road is gray in color. The numerals "2825" are visible on the exterior wall of the residence, adjacent to the garage door, facing Red Rock canyon Road. .

The search shall include all rooms, attics, crawl spaces, safes, briefcases, storage areas, containers, garages, sheds, carports, storage facilities and containers such as safes, vaults, file cabinets, drawers, luggage, briefcases, valises, boxes, jewelry boxes, cans, bags, purses, trash cans and vehicles located on or near the premises, that are owned or under the control of the occupants of such premises, evidenced by prior surveillance, possession of keys, maintenance paper work, title, insurance papers, or registration for such vehicles in the name of the occupants including: (1) the brown 2000 Lexus bearing California license plate number 5CHF845 that is registered to SAENZ; (2) a black 2006 Infinite SUV bearing California license plate number 5SKB807 that is registered to SAENZ; and (3) a silver 2002 Honda bearing California license plate number 4XCM609 that is registered to David or Ida SURPRISE.



ATTACHMENT B

ITEMS TO BE SEIZED

1. Documents containing data reflecting or memorializing the ordering, possession, purchase, storage, distribution, transportation and sale of controlled substances, including buyer lists, seller lists, pay-owe sheets, records of sales, log books, drug ledgers, personal telephone/address books containing the names of purchasers and suppliers of controlled substances, electronic organizers, Rolodexes, telephone bills, telephone answering pads, bank and financial records, and storage records, such as storage locker receipts and safety deposit box rental records and key.
2. Money, assets, and evidence of assets derived from or used in the purchase of controlled substances and records thereof, including but not limited to United States currency, negotiable instruments and financial instruments including stocks and bonds, and deeds to real property, books, receipts, records, bank statements and records, business records, money drafts, money order and cashiers checks receipts, passbooks, bank checks, safes and records of safety deposit boxes and storage lockers.
3. ~~Weapons, firearms, firearms accessories, body armor, and ammunition and documents relating to the purchase and/or possession of such items.~~
4. Documents and articles of personal property reflecting the identity of persons occupying, possessing, residing in, owning, frequenting or controlling the premises to be searched or property therein, including keys, rental agreements and records, property acquisition records, utility bills and receipts, photographs, answering machine tape recordings, telephone, vehicle and/or vessel records, canceled mail envelopes, correspondence, financial documents such as tax returns, bank records, safety deposit box records, canceled checks, and other records of income and expenditure, credit card records, travel documents, personal identification documents and documents relating to obtaining false identification including birth certificates, drivers license, immigration cards and other forms of identification which the same would use other names and identities other than his or her own.
5. All incoming telephone calls received at the residence during the execution of the search warrant and all calls received on cellular telephones found during the execution of the warrant.
6. Devices used to conduct counter-surveillance against law enforcement, such as radio scanners, police radios, surveillance cameras and monitors and recording devices and cameras.
7. Photographs and video and audio recordings which document an association with other coconspirators and/or which display narcotics, firearms, or money and proceeds from narcotics transactions.
8. Packages and contents that were delivered to the residence, or were about to be sent by the occupants.
9. Drug paraphernalia to include: distribution materials including scales, plastic baggies, electrical and duct tape, and other odor masking materials.
10. Police radio scanners, pagers, cellular telephones, facsimile machines, telephone answering machines, Caller ID system, and prepaid telephone cards.
11. Travel documents including itineraries, airline tickets, boarding passes, motel and hotel receipts, rental car receipts, passports and visas, credit card receipts, shipping and receiving documents relating to the delivery of packages.

12. Banking and financial institution records, bank statements, credit card statements, canceled checks, money orders, deposit slips, orders for or receipt of money transfer by wire, checking and saving books, financial institution statements, safe deposit boxes, loan statements, tax returns, business and personal ledgers, and accounting records.
13. Records relating to the lease of storage lockers, telephone/address directories and other papers containing telephone numbers and addresses.
14. Records related to the purchase of real estate, vehicles, precious metals, jewelry and other tangible assets.
15. Automotive parts and devices used to create clandestine compartments to hide large quantities of drugs and/or currency.
16. Digital storage devices including: floppy disk, CD ROMS, DVD ROMS, magnetic tapes, magnet optical cartridges, personal digital assistance, pagers, money chips, thumb drives, jump drives, flash drives, portable hard drives and computers containing hard drives. All electronic devices, such as computers, which include the central processing units, internal and external devices, internal and external storage equipment or media, terminals or video display units, together with peripheral equipment, such as keyboards, printers, modems, and programmable telephone dialing devices, and operating system software, program software, applications software, manuals for the software and hardware, electronic organizers, or personal digital assistants and computer discs and CD's, cellular telephones and SIM cards. All seized computers shall be returned to the defendants or the defendant's agent within 10 calendar days. If agents need more time than 10 days to complete the mirror imaging, the Government will seek from the Court an extension of time within which to return the applicable devices and/or equipment.
17. With respect to any and all electronically stored information in cellular phones and PDAs, agents may access, record, and seize the following:
 - a. telephone numbers of incoming/outgoing calls stored in the call registry;
 - b. Digital, cellular, and/or telephone numbers and/or direct connect numbers, names and identities stored in the directories;
 - c. Any incoming/outgoing text messages relating to controlled substances offenses under 21 U.S.C. §§ 841(a)(1), 843(b), 846, and money laundering offenses under 18 U.S.C. § 1956;
 - d. telephone subscriber information;
 - e. the telephone numbers stored in the cellular telephone and/or PDA; and
 - f. any other electronic information in the stored memory and/or accessed by the active electronic features of the digital or cellular phone including but not limited to photographs, videos, e-mail, and voice mail relating to controlled substances offenses under 21 U.S.C. §§ 841(a)(1), 843(b), 846, and money laundering offenses under 18 U.S.C. § 1956.

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

UNITED STATES OF AMERICA

SOUTHERN DISTRICT OF CALIFORNIA

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SS

I, Brett O'Connor, being duly sworn, hereby depose and say:

1. I make this affidavit in support of an application for a search warrant in furtherance of an investigation conducted by special agents of the United States Drug Enforcement Administration ("DEA") for the premises located at 2825 Red Rock Canyon Road, Chula Vista, California (hereafter "the target location") described further in Attachment A.

2. JOSE JESUS PERUCH SAENZ (hereafter "SAENZ") resides at the target location. On February 22, 2008, SAENZ was indicted in two separate cases, Criminal Case No. 08CR0509-BEN and Criminal Case No. 08CR0511-BEN, and charged with conspiracy to distribute oxycodone^{1/} and hydrocodone bitartrate^{2/} in violation of 21 U.S.C. §§ 846 and 841(a)(1), and multiple counts of distribution of oxycodone and hydrocodone bitartrate in violation 21 U.S.C. § 841(a)(1).

3. The purpose of the search warrant is to seize (1) property that constitutes evidence of the commission of controlled substances offenses under 21 U.S.C. §§ 841(a)(1), 843(b), and 846, and money laundering offenses under 18 U.S.C. § 1956, (2) contraband, fruits of crime or things otherwise criminally possessed, and (3) property designed or intended for use or which is or has been used as a means of committing a criminal offense.

^{1/} Oxycodone is a potent and potentially addictive opioid analgesic medication synthesized from thebaine. It is a Schedule II controlled substance both as a single agent and in combination with other products such as acetaminophen, ibuprofen, or aspirin.

^{2/} Hydrocodone is a narcotic which relieves pain by binding to opioid receptors in the brain and spinal cord. Pure hydrocodone, and forms containing more than 15 mg per dosage unit, are Schedule II controlled substances. Controlled purchases and seizures conducted over the course of this investigation to date have involved commercially prepared tablets of hydrocodone bitartrate with acetaminophen, consisting of less than 15 mg hydrocodone per dosage unit and constitute Schedule III controlled substances. All references found herein to "hydrocodone" refer to tablets consisting of hydrocodone bitartrate with acetaminophen.

4. The information contained in this affidavit is based on my personal experience and training, consultation with other special agents of DEA, the Federal Bureau of Investigation ("FBI"), the Criminal Investigation Division of the Internal Revenue Service ("IRS"), officers of the San Diego Police Department ("SDPD") and other law enforcement officers. The evidence and information contained herein was developed from a review of intercepted wire and electronic communications pursuant to prior district court authorization, interviews with sources of information, financial documents secured by grand jury subpoena, surveillance records, vehicle records from the California Department of Motor Vehicles ("DMV"), and public records. Agents' interpretation of code words and phrases are described further in brackets("[]").

EXPERIENCE AND TRAINING

5. I have been employed as a Special Agent with the DEA since July of 2004. I am currently assigned to Enforcement Group Three within the San Diego Field Division. I have received extensive training in the field of narcotics enforcement. I have attended the DEA Academy at Quantico, Virginia for 16 weeks and have participated in narcotics investigations from street-level distributors to large-scale traffickers. I have interviewed and operated informants, executed search warrants, purchased drugs in an undercover capacity, arrested and interviewed subjects, conducted physical surveillance, utilized electronic and video surveillance, and testified in federal court. I have become familiar with the techniques and methods utilized by drug traffickers. In addition to the above-stated formal training, I have also worked with and consulted numerous agents and law enforcement officers who have investigated drug distribution and trafficking throughout the United States, including Southern California.

6. In the course of my law enforcement experience, I have participated in investigations of crimes involving the importation and distribution of controlled substances and money laundering. I have arrested and participated in the arrests of numerous individuals for various controlled substance violations. I have participated in the execution of search warrants relating to illegal drug offenses. I have received training in the methods used by drug traffickers to import and distribute controlled substances and launder drug proceeds to promote the drug trafficking activity and conceal or disguise the nature, source, and ownership of the drug proceeds. I have conducted and participated in numerous

1 investigations involving surveillance of individuals associated with drug trafficking. I have conducted
2 and participated in numerous interviews of individuals involved with drug trafficking

3 7. Based upon my experience and training, consultation with other law enforcement
4 officers experienced in controlled substances and financial investigations, and all the facts and opinions
5 set forth in this affidavit, I know that:

6 a. Individuals involved in drug trafficking often maintain at their residence records
7 and ledgers evidencing their trafficking activities in order to keep track of the ordering, purchasing,
8 storage, distribution and transportation of controlled substances. At times, the drugs may be sold, but
9 documentary records and ledgers often remain for long periods of time to memorialize past transactions,
10 the status of accounts receivable and accounts payable, and the names and telephone numbers of
11 suppliers, customers and coconspirators.

12 b. Individuals involved in drug dealing must often rely on others to obtain the
13 controlled substances and to help them market the drugs and evidence of the identities of these criminal
14 associates is often maintained at their residence and/or place of business.

15 c. Individuals involved in drug dealing utilize cellular telephones and personal
16 digital assistants ("PDAs") to maintain contact with co-conspirators and to conduct their criminal
17 activity. Drug traffickers use cellular phones and PDAs, in part, because of their belief in the inability
18 of law enforcement personnel to simultaneously track the originating and destination phone numbers
19 of calls placed to and from their cellular phones and PDAs. Cellular telephones and PDAs contain wire
20 and electronic data concerning telephonic contact, text messages, and electronic mail messages with co-
21 conspirators, as well as telephone books containing contact information for co-conspirators. Members
22 of drug trafficking and distribution organizations also utilize cell phones and PDAs with photograph and
23 video capabilities to take photographs and videos of other members of drug trafficking and distribution
24 organizations, drugs, money, and assets purchased with drug proceeds.

25 d. Based on prior searches of premises used by individuals involved in drug
26 trafficking, I believe I will find articles of personal property evidencing the identity of persons
27 occupying, possessing, residing in, owning, frequenting or controlling the premises or property therein.

28

1 e. Individuals involved in drug trafficking will often conceal contraband and
2 evidence of their drug dealing in vehicles outside their residence in order to prevent detection and
3 seizure by officers conducting search warrants at the residence.

4 f. Individuals involved in drug trafficking earn sums of money and often maintain
5 large amounts of United States Currency at their residence and often hide United States Currency in
6 safety deposit boxes at financial institutions, as well as safes, false compartments and other locations
7 inside their home. Individuals involved in drug trafficking also try to conceal and disguise the nature,
8 source, and ownership of drug proceeds in a variety of ways including: (1) placing assets in names other
9 than their own to avoid detection while maintaining control; (2) laundering the money through what
10 appears to be a legitimate business or businesses; and (3) using the money to buy assets which are hard
11 to trace. Substantial sums of United States Currency and records of financial transactions are often
12 found at the residence maintained by drug traffickers.

13 g. Individuals involved in drug trafficking often send and receive packages
14 that contain contraband, money orders, and United States Currency. Packages that contain contraband,
15 money orders, and United States Currency are often found at residences maintained by drug traffickers.

16 h. Individuals involved in drug trafficking will often maintain weapons, firearms
17 and ammunition on their person or at their residence and cars in order to protect themselves and guard
18 their drugs and drug profits, and for enforcement purposes during their drug dealings. These weapons
19 and firearms are used and can be used as an instrumentality of the drug trafficking and money
20 laundering crimes.

21 i. Individuals involved in drug trafficking often take photographs of themselves,
22 their associates, their property, and their controlled substances. Drug traffickers often maintain these
23 photographs at their residences or in their vehicles. Therefore, I am requesting permission to search the
24 residences listed within this warrant and it's attachment(s) for and to seize photographs that law
25 enforcement agents determine to be of evidentiary value.

26 j. Individuals engaging in drug transportation often use computers to
27 communicate with co-conspirators by means of electronic mail ("e-mail") and for the storage of records.
28 Moreover, I know that digital evidence can be stored on a variety of systems and storage devices

1 including: hard disk drives, floppy disk, CD ROMS, DVD ROMS, magnetic tapes, magneto optical
2 cartridges, personal digital assistance, pagers, money chips, thumb drives, flash drives, and portable hard
3 drives. Therefore, I am requesting permission to seize computers, including printers, monitors,
4 keyboards, scanners, and all forms of media storage that may be found at the residence.

5 8. It is also my opinion and belief that the above-described documents are permanently
6 possessed by drug traffickers much the same way a legitimate business will maintain records and tools
7 of its trade whether or not the business has a particular item in inventory on a given date. These
8 documents are kept by drug traffickers whether or not the trafficker is in possession of any drugs at any
9 given moment. I believe that the seizure of such documents will provide evidence of the events set forth
10 in this affidavit and that such documents can be found in the residence despite any lapse of the time
11 between the events described and the anticipated search pursuant to this warrant.

12 9. The investigation into the criminal activities of SAENZ and others reveals that the drug
13 distribution activities have been extensive and ongoing for several months. The investigation also
14 reveals that SAENZ transported drugs in his vehicles and may have stored drugs at the target location.
15 Due to the quantities of controlled substances distributed, and the assets acquired by SAENZ, I believe
16 SAENZ and others have been engaged in drug trafficking and possibly money laundering for a long
17 period of time. Consequently, I believe that there will be historical records of drug trafficking and
18 money laundering at the target location.

19 OVERVIEW OF THE TARGET SUBJECTS

20 10. The following is a brief description of SAENZ, Karl DeLeon MURRAH, and Jesus
21 MACIAS, the target subjects whose drug trafficking activities provide probable cause for the search
22 warrant on the target location.

23 a. Jose Jesus Peruch SAENZ, aka "G-Unit," aka "George" (date of birth:
24 05/26/1980) is a pharmacy technician at Galloway Pharmacy located in San Diego, California. SAENZ
25 was in charge of ordering pharmaceuticals, including oxycodone and hydrocodone bitartrate, for
26 Galloway Pharmacy.

1 b. **Karl DeLeon MURRAH** (hereafter "MURRAH") (date of birth: 12/08/1978)
2 received large quantities of pharmaceuticals from SAENZ from at least February 2007 through August
3 2007 and then sold the pharmaceuticals to other individuals for further distribution.

4 c. **Jesus MACIAS**, aka "Jessie," (hereafter "JESUS") (date of birth: 12/24/1983)
5 is a pharmacy technician at Galloway Pharmacy. JESUS worked with his brother, JUAN ERNESTO
6 MACIAS, JR., to distribute large quantities of pharmaceuticals to others for further distribution.

7 **FACTS ESTABLISHING PROBABLE CAUSE**

8 10. As discussed further, SAENZ was involved in two separate conspiracies to distribute
9 pharmaceuticals in violation of 21 U.S.C. §§ 846 and 841(a)(1): (1) SAENZ conspired with MURRAH
10 and others to distribute large amounts of pharmaceuticals that SAENZ diverted from Galloway
11 Pharmacy, and (2) SAENZ conspired with JESUS to divert pharmaceuticals from Galloway and
12 distribute pharmaceuticals to others.

13 **SAENZ conspired with MURRAH to distribute pharmaceuticals**

14 11. In late 2003, the DEA opened an investigation into MURRAH's drug trafficking
15 activities. MURRAH had been identified by a confidential source of information as an ecstasy
16 distributor. During 2003, MURRAH sold ecstasy tablets to an undercover DEA agent (hereafter "the
17 UC") in Lemon Grove, California.

18 12. On December 7, 2006, the UC met with MURRAH in National City, California. The
19 UC asked MURRAH if he was still moving "X" [ecstasy]. MURRAH said that he moved to "meds"
20 [pharmaceuticals] such as "OxyContin, Vicodin" (brand names for oxycodone and hydrocodone
21 respectively). MURRAH said that one can move a lot of "meds" because the demand was there.
22 MURRAH also said that there was lots of money in that area of business.

23 13. On January 4, 2007, the UC met with MURRAH at a restaurant in San Diego.
24 MURRAH said that he was currently involved in the distribution of pharmaceuticals such as OxyContin
25 and Vicodin. MURRAH said that he made a lot of money selling pharmaceuticals by transporting large
26 amounts of pharmaceuticals to the East Coast. MURRAH indicated that there was a low supply of
27
28

1 OxyContin and that Vicodin was currently in high demand. MURRAH told the UC that he should begin
2 to do his business by doing his homework and starting a line of clients. MURRAH said that a good
3 client base could be found on the local college campuses.

4 14. In 2007, agents initiated a Title III investigation of MURRAH's drug trafficking
5 activities. Throughout 2007, monitors intercepted over 200 calls and/or text messages regarding
6 pharmaceutical transactions and related financial transactions with SAENZ (MURRAH's primary
7 source of supply for pharmaceuticals) and several customers. Agents conducted approximately three
8 surveillances where SAENZ apparently distributed pharmaceuticals to MURRAH, and approximately
9 10 surveillances where MURRAH apparently distributed pharmaceuticals to customers. Law
10 enforcement officers seized pharmaceuticals from MURRAH's customers – directly after the customers
11 met with MURRAH – at least three times.

12 15. On February 3, 2007, agents intercepted a call between MURRAH and Fereydoun
13 Shokrai regarding a pharmaceutical deal. During the call, Shokrai told MURRAH that he needed "30"
14 [hydrocodone tablets]. MURRAH acknowledged and the two agreed to meet before 5:00 p.m. that day.
15 During that evening, agents surveilled MURRAH's meeting with Shokrai in Chula Vista. After the
16 meeting, SDPD Officers stopped Shokrai for speeding and, during the traffic stop, found 30
17 hydrocodone tablets in a plastic bag on Shokrai's person.

18 16. On February 21, 2007 at approximately 11:37 a.m., monitors intercepted a call
19 between MURRAH and SAENZ regarding a delivery of "two" [boxes of hydrocodone] to MURRAH
20 in exchange for "eight" [\$8,000]. Agents subsequently observed MURRAH and SAENZ meet at Home
21 Depot in Chula Vista, California. At that time, SAENZ was wearing maroon medical scrubs and placed
22 a box of suspected pharmaceuticals into MURRAH's vehicle. Agents also observed SAENZ's
23 girlfriend, Gwenn Abagon SURPRISE, during the meeting

24 17. On February 22, 2007, wire interceptions indicated that MURRAH planned to meet
25 with his source of supply and receive pharmaceuticals. Agents conducted surveillance and saw SAENZ
26 transfer a box into the trunk of MURRAH's vehicle.

1 18. On February 28, 2007 at approximately 2:14 p.m., monitors intercepted calls between
2 MURRAH and SAENZ wherein MURRAH asked SAENZ about the availability of "two" [boxes of
3 hydrocodone]. SAENZ replied "yep." MURRAH indicated that he would take both boxes when he got
4 home later that night. Later that day, at approximately 9:35 p.m., agents observed SAENZ drive to
5 MURRAH's residence in Chula Vista, California, and bring a large white bag into MURRAH's
6 residence.

7 19. On March 7, 2007, at approximately 11:04 a.m., monitors intercepted a call between
8 MURRAH and SAENZ. During the call, MURRAH asked SAENZ whether SAENZ could fill the order
9 [of hydrocodone]. SAENZ told MURRAH that he could fill the order tomorrow. MURRAH confirmed
10 that the order was for "two" [boxes of hydrocodone].

11 20. On March 7, 2007, at approximately 11:38 a.m., monitors intercepted a call between
12 SAENZ and MURRAH regarding oxycodone. During the call, SAENZ told MURRAH that SAENZ
13 has "Chicas" [bottles of OxyContin]. MURRAH confirmed "oh, you got bitches" [bottles of
14 OxyContin]. MURRAH said that he "ain't paying 3Gs [\$3,000] for those things" [bottles of
15 OxyContin]. SAENZ said "no 1250 [\$1,250 per bottle of OxyContin], so like 25 [\$2,500] total" [for
16 both bottles of OxyContin]. SAENZ further said "it happened like last time. [SAENZ] just came across
17 them." SAENZ said that "opportunity arrives." MURRAH said "okay, just grab them" [the bottles of
18 OxyContin].

19 21. On March 7, 2007, at approximately 12:33 p.m., monitors intercepted a call between
20 MURRAH and DIZON regarding MURRAH's ability to obtain oxycodone. During the call, MURRAH
21 told DIZON those "bitches are kickin' it" [MURRAH had the bottles of OxyContin ready and waiting
22 for DIZON]. DIZON said "yeah" and told MURRAH to let DIZON "hit him up" when DIZON got
23 home off work. DIZON told MURRAH that he was "ready to kick it" [DIZON was interested in buying
24 the OxyContin to distribute further]. At approximately 12:39 p.m., monitors intercepted a call where
25 DIZON told MURRAH to "bring those girls out tonight" [requesting that MURRAH bring the bottles
26 of OxyContin when MURRAH meets with DIZON later that night]. MURRAH replied "yeah."

1 22. On March 8, 2007, the UC purchased 2,000 hydrocodone tablets from MURRAH.
2 During this transaction, MURRAH produced a sealed box that was similar to the box from the February
3 22, 2007 transaction. MURRAH opened the sealed box, which contained several bottles of
4 hydrocodone tablets and gave four of the bottles, each containing 500 tablets for a total of 2,000 tablets,
5 to the UC.

6 23. On March 8, 2007, at approximately 9:50 p.m., monitors intercepted a call between
7 MURRAH and SAENZ regarding an oxycodone deal. During the call, SAENZ explained that "the girls
8 [oxycodone] are at the pad [SAENZ's residence -- the target location]."

9 24. On March 9, 2007 at approximately 11:14 a.m., monitors intercepted a text message
10 where MURRAH told SAENZ: "OK I NEED SOME ZANEX [Xanax] ALSO."

11 25. On March 9, 2007 at approximately 11:28 a.m., monitors intercepted a text message
12 in which SAENZ asked MURRAH: "HOW MANY [bottles of Xanax do you want]?"

13 26. On March 14, 2007, monitors intercepted a call between MURRAH and SAENZ
14 regarding a pharmaceutical order. During the call, SAENZ told MURRAH that he will most likely have
15 "two" [boxes of hydrocodone] by Friday [March 16, 2007].

16 27. On March 17, 2007, at approximately 10:19 a.m. -- and again at 10:21 a.m., 10:22 a.m.,
17 10:23 a.m., 10:25 a.m., 10:27 a.m., 10:30 a.m., 10:32 a.m., 10:34 a.m., 10:40 a.m., 10:45 a.m., 10:51
18 a.m., 10:56 a.m., 11:02 a.m., and 11:12 a.m. -- monitors intercepted a text message from SAENZ to
19 MURRAH. The text message stated: "LUNCH X2 N THA OTHER R READY 4 U!" [SAENZ had two
20 boxes of hydrocodone bitartrate and an unspecified quantity of Xanax to be picked up by MURRAH].

21 28. On March 17, 2007, at approximately 12:45 p.m., monitors intercepted a call between
22 MURRAH and SAENZ. During the call, SAENZ told MURRAH that SAENZ "has two [boxes of]
23 lunch [hydrocodone] and the other things, the zs[Xanax]."

24 29. On March 18, 2007, monitors intercepted a call between MURRAH and SAENZ.
25 During the call, SAENZ asked MURRAH, "Are you going to be available [to meet for a drug
26 transaction] today?" MURRAH replied, "Yeah." SAENZ then said, "I'll call you in, in like two hours,
27 I'll be home."

1 30. On March 19, 2007, agents searched through the trash located at the target location.
2 From the trash at the target location, agents seized three white bottles with Watson labels: Hydrocodone
3 Bitartrate and Acetaminophen - 10 mg-325 - 500 count (including one bottle with a Galloway inventory
4 sticker on the bottom), two shipping labels addressed to SAENZ, bank receipts, and other documents.

5 31. On March 19, 2007, agents also searched through the trash at MURRAH's residence
6 in Chula Vista. Among the trash at MURRAH's residence, agents found two empty boxes similar to
7 the pharmaceutical boxes previously mentioned from February 22, 2007 and March 8, 2007, and an
8 empty pharmaceutical bottle similar to the bottles purchased by the UC on March 8, 2007 with a Watson
9 label: Hydrocodone Bitartrate and Acetaminophen - 500 count.

10 32. On March 27, 2007, monitors intercepted a text message from SAENZ to MURRAH.
11 The text message stated: "ONE LUNCH TIL SAT." [In this text message, SAENZ told MURRAH that
12 he (SAENZ) will have one box of hydrocodone on Saturday, March 31, 2007, at which time SAENZ
13 may obtain more.] At approximately 11:45 a.m., monitors intercepted a text message from SAENZ to
14 MURRAH. The text message stated: "I GOT SICK. IM STIL A LIL BIT. BUT IM NOT SURE IF
15 UR READY, 1 LUNCH N MAYBE 2 BITCHES!" [In this text message, SAENZ told MURRAH that
16 he (SAENZ) has one box of hydrocodone and possibly two bottles each containing 100 tablets of 80
17 milligram OxyContin]. At approximately 11:48 a.m., monitors intercepted a text message from
18 MURRAH to SAENZ. The text message stated: "IM READY BUT IM IN VEGAS TIL FRIDAY.
19 CALL." [In this text message, MURRAH confirmed that he was ready to purchase the hydrocodone
20 and OxyContin, but he was in Las Vegas, Nevada, not in San Diego, California.] At approximately
21 11:50 a.m., monitors intercepted a text message from SAENZ to MURRAH. The text message stated:
22 "OK, LET JUS DO IT SAT. I'LL HAVE 2 LUNCH BY THEN." [In this text message, SAENZ told
23 MURRAH that he would have two boxes of hydrocodone by Saturday, March 31, 2007.]

24 32. On March 31, 2007, monitors intercepted a call between MURRAH and SAENZ.
25 During the call, MURRAH asked SAENZ if he was working that day. SAENZ said that, while he was
26 not working at Galloway Pharmacy, "lunch [hydrocodone] is still available" and that SAENZ would
27
28

1 have "lunch" [hydrocodone] by 2:00 p.m. SAENZ asked MURRAH if MURRAH wanted the "two"
2 [boxes of hydrocodone] and MURRAH confirmed that he still wanted the boxes of hydrocodone.

3 33. On March 31, 2007 at 11:53 a.m., monitors intercepted a call between MURRAH and
4 Ramond Andrew DIZON. During this call, MURRAH told DIZON that MURRAH had "two bitches
5 at chillin' at two" [MURRAH had two bottles of OxyContin to sell to DIZON priced at \$2,000 per
6 bottle]. MURRAH said "two at two" and DIZON replied "alright." [DIZON confirmed that he was
7 interested in buying the two bottles of OxyContin for \$2,000 a piece.] MURRAH also told DIZON that
8 MURRAH was "stocking up on lunch [hydrocodone]."

9 34. On March 31, 2007, at approximately 3:38 p.m., monitors intercepted a call between
10 MURRAH and SAENZ. During the call, SAENZ told MURRAH that "lunch [hydrocodone] is ready."

11 35. On March 31, 2007, at approximately 10:15 p.m., monitors intercepted a call between
12 MURRAH and SAENZ. During the call, MURRAH told SAENZ that MURRAH wanted to meet
13 SAENZ at 11:00 and told SAENZ to bring "the z's and everything" [Xanax and other pharmaceuticals].

14 36. On June 20, 2007, agents utilized a pole camera to observe SAENZ walk to his vehicle
15 in the Galloway Pharmacy employee parking lot and place a box (similar to the pharmaceutical boxes
16 mentioned above from February 22, 2007, March 8, 2007, and March 19, 2007) into the trunk of his
17 vehicle. Agents followed SAENZ and the vehicle he placed the box into and observed SAENZ drive
18 from Galloway Pharmacy to the target location. SAENZ then parked in the garage of the target location
19 and closed the garage door prior to exiting his vehicle.

20 37. On July 11, 2007, agents intercepted a text message from SAENZ to MURRAH. The
21 text message stated: "GOT MAIL THANKS." On July 12, 2007, agents intercepted a text message
22 from MURRAH to SAENZ that stated: "SAME THING."

23 38. On Saturday, July 14, 2007, agents intercepted a call between MURRAH and DIZON
24 where MURRAH said that he was "having lunch" [receiving an order of hydrocodone] on Monday [July
25 16, 2007]. DIZON told MURRAH that he would "be cool" with "six" [6,000 hydrocodone tablets] and
26 "three" [three bottles of OxyContin]. During the call, MURRAH told DIZON "I got all my e-mails.
27 That's how we're [MURRAH and SAENZ] talking . . . via e-mail through the I-phone." Later in the call,
28

1 DIZON asked MURRAH "if he's [SAENZ] cool or what's up?" MURRAH replies, "yeah, yeah. I'll
2 tell you about it when I see you." MURRAH further said that "he [SAENZ] is still good and active."

3 39. On July 15, 2007, at approximately 12:59 p.m., monitors intercepted a text message
4 between MURRAH and SAENZ. MURRAH sent the message "CHECK MAIL" to SAENZ.

5 40. On July 15, 2007, at approximately 8:34 p.m., monitors intercepted a call between
6 MURRAH and SAENZ. During the call, SAENZ told MURRAH that he would be "right there."
7 MURRAH replied that he was at the gas station. In a later call, MURRAH told SAENZ that he was "at
8 the security gate." At approximately 9:25 p.m. on July 15, 2007, agents intercepted a call between
9 MURRAH and DIZON. During the call, MURRAH informed DIZON that he could not meet for dinner
10 because he was too busy "grabbing lunch" [obtaining hydrocodone]. DIZON informed MURRAH that
11 he could always "have lunch" [obtain hydrocodone] after dinner.

12 41. On July 25, 2007, at approximately 5:53 p.m., monitors intercepted a text message
13 between MURRAH and SAENZ. SAENZ sent the message, "CHK [check] MAIL" to MURRAH.

14 42. On August 17, 2007 at approximately 8:53 p.m., monitors intercepted a call between
15 MURRAH and SAENZ regarding pharmaceuticals. During the call, MURRAH asked SAENZ, "how
16 many boxes [each box containing 12 bottles and each bottle containing 500 tablets of hydrocodone] you
17 got, one or two?" SAENZ replies, "one, I'll be over there [over to MURRAH's house]."

18 43. On August 17, 2007 at approximately 11:44 a.m., monitors intercepted a text message
19 from SAENZ to MURRAH that stated: "CHECK MAIL."

20 44. On August 17, 2007 at approximately 11:48 a.m., monitors intercepted a text message
21 from MURRAH to SAENZ. In the text message, MURRAH stated: "ALWAYS HUNGRY" [Agents
22 believe that, in this text message, MURRAH informed SAENZ that he (MURRAH) would purchase
23 hydrocodone bitartrate from SAENZ whenever it was available].

SAENZ Conspired With JESUS MACIAS To Distribute Pharmaceuticals

45. In addition to his conspiracy with MURRAH, SAENZ conspired with JESUS to divert pharmaceuticals from Galloway Pharmacy for further distribution to others. SAENZ was in charge of ordering pharmaceuticals for Galloway Pharmacy and ordered pharmaceuticals on behalf of JESUS.

46. On July 18, 2007, at approximately 11:26 a.m., monitors intercepted a text message between SAENZ and JESUS regarding a pharmaceutical order. JESUS sent the text message, "HEY WHAT'S UP WITH THE YELLOWS [hydrocodone]? DID THEY COME IN?" to SAENZ.

47. A confidential source of information for the FBI ("CI")^{3/} purchased pharmaceuticals from JESUS and JUAN multiple times. During a consensually recorded conversation on July 24, 2007, JUAN told the CI that his brother [JESUS] was getting the hydrocodone and oxycodone.

48. On July 25, 2007, monitors intercepted a text message between SAENZ and JESUS. In the text message, JESUS stated: "HEY...ARE YOU ABLE TO ORDER ME 4 BOTTLES OF THE YELLOWS? THROUGH VALLEY? I'M NOT WORKING FRIDAY AND SAT. THAT IS WHY..." to SAENZ. During a subsequent consensually recorded call, JUAN advised the CI that his brother [JESUS] had ordered four bottles of hydrocodone.

49. On July 27, 2007, the CI purchased two bottles of OxyContin and three bottles of hydrocodone from JUAN.

50. On September 29, 2007, CI purchased two bottles of OxyContin and eight bottles of hydrocodone from JESUS and JUAN.

51. On October 12, 2007, CI purchased four bottles of OxyContin and four bottles of hydrocodone from JESUS and JUAN.

^{3/} CI pled guilty to felony drug charges in state court and is awaiting sentencing. On April 17, 2007, CI entered into a Cooperation Agreement with the FBI and the San Diego District Attorney's Office. Pursuant to the agreement, CI agreed to plead guilty to felony charges in state court and assist law enforcement in return for a possible reduction in sentencing. On November 26, 2007, the San Diego District Attorney's Office concluded the Cooperation Agreement by telling CI that he will not receive any further punishment for his/her state felony charges as a result of the cooperation CI had provided thus far. CI then entered into a second Cooperation Agreement with the FBI and the San Diego District Attorney's Office. Pursuant to the second Cooperation Agreement, CI agreed to continue to assist law enforcement in return for a reduction of his/her felony state charges to a misdemeanor. As of December 5, 2007, CI has been reimbursed \$2,100 by the FBI for his/her expenses. The information provided by CI has been corroborated and has proven to be reliable.

1 52. On December 3, 2007, CI purchased three bottles of OxyContin, from JESUS and
2 JUAN.

3 53. On January 23, 2008, CI purchased two bottles of OxyContin from JESUS and JUAN.

4 **Financial Analysis of SAENZ**

5 54. Agents compared SAENZ's reported earnings on the tax records from the California
6 Employment Development Department ("EDD") for the years 2004 through 2007 with the cumulative
7 deposits into SAENZ's multiple bank accounts for the same years.

8 55. For 2004, EDD tax records reflect that SAENZ received earnings of \$19,422.01, and
9 bank records reflect cumulative deposits of \$38,912.79 -- a difference of \$18,995.22.

10 56. For 2005, EDD tax records reflect that SAENZ received earnings of \$19,684.94, and
11 bank records reflect cumulative deposits of \$51,221.81 -- a difference of \$31,536.87.

12 57. For 2006, EDD tax records reflect that SAENZ received earnings of \$20,917.95, and
13 bank records reflect cumulative deposits of \$70,713.13 -- a difference of \$49,795.18.

14 58. For 2007, EDD tax records reflect that SAENZ receive earnings of \$17,097.21, and
15 bank records reflect cumulative deposits of \$93,668.49 -- a difference of \$76,571.28.

16 59. In summary, for the years 2004 through 2007, SAENZ's tax records reflect reported
17 cumulative earnings of \$77,617.67, while SAENZ's bank records for the same period reflect cumulative
18 deposits of \$254,516.22 -- a difference of \$176,898.55. Agents believe that the disparity between the
19 amount of SAENZ's reported earnings and the amount of SAENZ's cumulative deposits may be the
20 proceeds of drug trafficking.

21 **SAENZ's Connection to Target Location**

22 60. Agents obtained utility records from the San Diego Gas and Electric (SDG&E)
23 pertaining to the target location. The utility records indicate that Gwen SURPRISE maintains the
24 SDG&E account for the target location. SURPRISE is SAENZ's girlfriend and resides at the target
25 location. Agents have observed SURPRISE and SAENZ together on several occasions, including on
26 February 22, 2007, when SAENZ met with MURRAH to complete a drug transaction. On several
27 occasions, agents have observed SAENZ deliver pharmaceuticals in a silver 2002 Honda sedan bearing
28

1 California license plate number 4XCM609 registered to David or Ida Surprise, the parents of Gwen
2 SURPRISE.

3 61. Agents obtained telephone subscriber information from Cox Communications which
4 indicated that SAENZ has a telephone subscribed to his name under the target location address and the
5 account was activated since February 26, 2007.

6 62. Information obtained through Grand Jury indicates that in March of 2007, SAENZ
7 opened a checking and money market account through Wells Fargo using the target location as his
8 address on the application. Records indicate that as of June 2007 the account was still active.

9 63. SAENZ, or vehicles known to be utilized by SAENZ, have been observed on numerous
10 occasions at the target location. A vehicle associated with SAENZ was seen at the target location as
11 recently as February 13, 2008.

12 64. Agents have observed SAENZ drive the following vehicles: (1) a brown 2000 Lexus
13 bearing California license plate number 5CHF845 that is registered to SAENZ; (2) a black 2006 Infinite
14 SUV bearing California license plate number 5SKB807 that is registered to SAENZ; and (3) a silver
15 2002 Honda bearing California license plate number 4XCM609 that is registered to David or Ida
16 SURPRISE. Agents have observed these vehicles parked near the target location. Agents have
17 specifically observed the brown 2000 Lexus and the 2002 Honda during drug transactions with SAENZ.

18 **SEARCH PROTOCOL FOR COMPUTERS**

19 65. This section describes the procedures that will be employed during this search to
20 minimize the intrusion represented by the search of any electronic data found at the target location.

21 66. Searching agents will be asked to use an incremental approach in searching for relevant
22 electronic material. If the agents are able to examine relevant portions of computer drives to identify
23 responsive material within a reasonable time period on-site, then the agents will attempt to create
24 forensic images of computers or laptops seized. However, if the agents cannot perform the search
25 within a reasonable period on-site, will they employ alternate procedures to complete the review off-site.
26 In that case, the computer expert will create forensic images of electronic data sources as necessary to
27 complete the search off-site.
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1 67. A forensic image is an exact physical copy of a computer hard drive or other similar
2 electronic storage media. A forensic image thus captures all of the data on the hard drive (or other
3 media) without the data being viewed and without changing the data in any way. There are many
4 reasons why it is not feasible to conduct a forensic analysis of data on-site. First, analysis of the data
5 following the creation of the forensic image is a highly technical process that requires specific expertise,
6 equipment and software. Second, there are literally thousands of different hardware items and software
7 programs that can be commercially purchased, installed and custom-configured on a user's computer
8 system. Third, it is only after a thorough examination and analysis, that a trained computer forensic
9 examiner can determine whether he needs to obtain specialized hardware or software (not to mention
10 specialized training on the specialized software) in order to view and analyze the data contained in
11 electronic form.

12 68. The analysis of data on a computer may also be an extremely tedious and time
13 consuming process. In addition, to requiring special technical skills, equipment and software, it may
14 take days to properly search a single hard drive for specific data. With current technology, each search
15 "hit" must be reviewed in its context by an agent to determine whether the data is within the scope of
16 the warrant. In other words, merely finding a good "hit" does not end the review process.

17 69. Analyzing data on-site has become increasingly impossible as the volume of data stored
18 on a typical computer system has increased. For example, a single gigabyte of storage space (i.e., 1,000
19 megabytes) is the equivalent of 500,000 double-spaced pages of text. Computer hard drives capable of
20 storing 100s of gigabytes of data are becoming quite common in newer desktop computers.

21 70. In addition to the sheer volume, the data may be stored in a variety of formats or
22 encrypted. The volume of data of course extends the time that it takes to analyze the image in a
23 laboratory. Running keyword searches takes longer and results in more hits that must be individually
24 examined for relevance. Moreover, certain file formats do not lend themselves to keyword searches
25 (e.g., many common electronic mail, database and spreadsheet applications do not store data as
26 searchable text).

1 71. Based on the foregoing, searching any computer or forensic image for the information
2 subject to seizure pursuant to this warrant may require a range of data analysis techniques and may
3 require off-site analysis.

4 72. Nevertheless, all forensic analysis of the imaged data will be directed exclusively to
5 the identification and seizure of information within the scope of this warrant. In the course of proper
6 examination, the forensic examiner may view information that is potentially privileged or not within the
7 scope of the warrant. If so, this information will not be made available to the investigating agents unless
8 it appears to the examiner that the information relates to the commission of offenses not covered by this
9 warrant. In that event, the examiner will confer with the investigator and/or the prosecuting attorney
10 so that they can determine whether to seek a further search warrant for the newly uncovered data.

11 73. All seized computers shall be returned to the defendants or the defendant's agent within
12 10 calendar days. If agents need more time than 10 days to complete the mirror imaging, the
13 Government will seek from the Court an extension of time within which to return the applicable devices
14 and/or equipment.

15 **SEARCH PROTOCOL FOR CELLULAR TELEPHONES AND PDAS**

16 74. With respect to any and all electronically stored information in cellular phones or
17 PDAs at the target locations, agents respectfully request that this Court authorize the agents to access,
18 record, and seize the following:

- 19 a. telephone numbers of incoming/outgoing calls stored in the call registry;
20 b. Digital, cellular, and/or telephone numbers and/or direct connect numbers,
21 names and identities stored in the directories;
22 c. Any incoming/outgoing text messages regarding violations of 21 U.S.C. §§
23 841(a)(1), 843(b), 846, or 18 U.S.C. § 1956;
24 d. telephone subscriber information;
25 e. the stored telephone numbers dialed from the cell phone and/or PDA; and
26
27
28

1 f. any other electronic information in the stored memory and/or accessed by the
2 active electronic features of the digital or cellular phone including but not limited to photographs,
3 videos, e-mail, and voice mail regarding violations of 21 U.S.C. §§ 841(a)(1), 843(b), 846, or 18 U.S.C.
4 § 1956.


5 75. If the agents cannot analyze the cellular telephone or PDA on site, they may send the
6 cellular telephone or PDA to the Regional Crime Forensic Lab (RCFL) or the DEA Digital Lab to all
7 analysts or forensic examiners to examine, analyze, and make a record of the contents of the information
8 stored in the seized cellular telephone or PDA.

9 **CONCLUSION AND SEALING REQUEST**

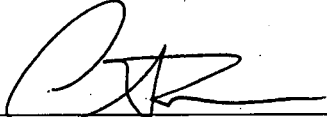
10 76. Based on my training and experience, consultation with other special agents and law
11 enforcement officers, and all of the facts and opinions set forth in this affidavit, there is probable cause
12 to believe that federal crimes have been committed, including controlled substances violations under
13 21 U.S.C. §§ 841(a)(1), 843(b), and 846, and money laundering violations under 18 U.S.C. § 1956.
14 There is also probable cause to believe that property constituting evidence of the offenses, contraband,
15 fruits of crime or things otherwise criminally possessed, and property designed or intended for use or
16 which is or has been used as a means of committing the criminal offenses will be found in the target
17 location described further in Attachment A.

1 77. Because this is an ongoing investigation and premature disclosure of the investigation
2 could endanger agents and officers, cause the target subjects and others to flee and cause destruction of
3 evidence, I request that this affidavit, the application for the search warrant, the search warrant, and all
4 other associated court records be sealed until further court ordered.

5 I declare under penalty of perjury that the foregoing is true and correct.

6
7 
8 BRETT O'CONNOR
9 Special Agent
10 Drug Enforcement Administration

11 Sworn to and subscribed before me
12 this 4 day of March, 2008.

13 
14 HONORABLE CATHY ANN BENCIVENGO
15 United States Magistrate Judge
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